

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-9 are pending. In the present amendment, Claims 1-4 are currently amended and Claims 6-9 are added. Support for the present amendment can be found in the original specification, for example, at page 7, line 15 to page 8, line 10 and in Figures 1(a), 1(b), and 2. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Adsit et al. (U.S. Patent No. 1,989,659, hereinafter “Adsit”) in view of either Pany (U.S. Patent No. 4,978,009) or Howell et al. (U.S. Patent No. 6,957,765, hereinafter “Howell”) and any one of De Fiori et al. (European Patent Application No. 430,013, hereinafter “De Fiori”), Seegmiller (U.S. Patent No. 1,079,583), Keeler (U.S. Patent No. 581,234), or Heron (U.S. Patent No. 312,851); Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Adsit as modified above with respect to Claim 1, and further in view of any one of Keefe et al. (U.S. Patent No. 4,809,908, hereinafter “Keefe”), Wasyluka (U.S. Patent No. 2,630,962), or Blitz (U.S. Patent No. 1,830,420); and Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Adsit as modified above with respect to Claim 1, and further in view of Sternau (U.S. Patent No. 3,484,034).

In response to the rejection under 35 U.S.C. § 112, second paragraph, it is noted that Claim 3 is hereby amended to clarify that the front facing side wall is one of the claimed “other pair of opposite two sides.” Additionally, Claim 4 is amended to clarify that the brim piece is the claimed “finger-receiving brim piece.” It is respectfully submitted that no new matter is added. Applicant believes that, in view of the present amendment, all pending claims are definite and no further rejection on that basis is anticipated. However, if the

Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work the Examiner in a joint effort to derive mutually acceptable language.

In response to the rejections under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below.

The plastic box recited in Claim 1 comprises a lock mechanism to engage respective base end parts of said inner flaps to notches formed on respective end parts of a bend line bent from said outer flap of said insertion flap piece. The notches formed on the respective end parts of the bend line extend further outward from the outer flap than the bend line. Accordingly, as explained in the original specification, for example, at page 7, lines 15-31, both end parts of the insertion flap piece which are separated from the outer flap can be smoothly inserted under the base end parts of the inner flap thus ensuring a sufficient engaging width and obtaining an even more stable locked state. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Adsit describes a carton A that includes an end closing flap 20 extending from a side 15 and a locking or sealing flap 21 that is joined with the closing flap 20 by a score line 22.¹ Additionally, Adsit describes that the score line 22 is provided with notches 23 that are formed with square shoulders on one side and rounded corners 24 on the other side.² The Office Action, relies on Adsit as describing the claimed notches formed on respective end parts of a bend line.

However, it is respectfully submitted that Adsit does not disclose or suggest that “the notches formed on the respective end parts of the bend line extend further outward from the outer flap than the bend line,” as recited in amended Claim 1.

¹ See Adsit, at column 2, lines 19-23 and in Figure 1.

² See Adsit, at column 2, lines 23-26 and in Figures 1 and 4.

Instead, as can be seen in Figure 1 of Adsit, the notches 23 have rounded shoulders such that they do not extend further outward from the end closing flap 20 than the score line 22. Additionally, even in Figure 4 which shows the notches as having square shoulders, the notches 23 do not extend outwardly from the score line 22. Thus, the notches 23 described in Adsit are not the claimed notches.

Regarding each of the secondary references combined with Adsit to reject Claim 1 (Pany, Howell, De Fiori, Seegmiller, Keeler, and Heron), Applicant respectfully submits that none of these references cures the above-noted deficiencies of Adsit. Thus, none of the cited combinations disclose or suggest every feature recited in amended Claim 1. Accordingly, it is respectfully requested that the rejection of Claim 1, and Claims 2 and 5 which depend thereon, be withdrawn.

Regarding the rejections of Claims 3 and 4, it is noted that Claims 3 and 4 depend on Claim 1, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Additionally, it is respectfully submitted that none of Keefe, Wasyluka, Blitz, and Sternau cure the above-noted deficiencies of the cited combinations of references discussed above with respect to Claim 1. Therefore, it is respectfully submitted that Claims 3 and 4 also patentably define over the cited references. Thus, it is respectfully requested that the rejections of Claims 3 and 4 also be withdrawn.

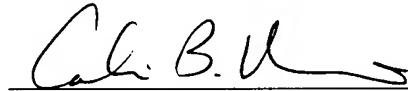
New Claims 6-9 are added by the present amendment. Support for new Claims 6-9 can be found in the original specification, for example, at page 7, line 15 to page 8, line 10, and in Figures 1(a), 1(b), and 2. Thus, it is respectfully submitted that no new matter is added.

New Claims 6-9 depend on independent Claim 1, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Additionally, new Claims 6-9 recite further features that are not disclosed or suggested by the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Chinn, Ph.D.
Attorney of Record
Registration No. 34,305

Colin B. Harris
Registration No. 58,969

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 03/06)